DISPOSITION: April 13, 1953. A plea of nolo contendere having been entered, the court fined the defendant $75.

4065. Misbranding of dextro-amphetamine sulfate tablets, conjugated estrogen tablets, phenobarbital tablets, tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide, and tablets containing a mixture of sulfadiazine and bicarbonate of soda. U. S. v. Jay L. Wilder Drug Co., Jay L. Wilder, William F. Fanning, and Elmer Modlin. Pleas of nolo contendere. Fine of $500 against company, $50 against Defendant Wilder, $100 against Defendant Fanning, and $100 against Defendant Modlin, plus costs. (F. D. C. No. 33717. Sample Nos. 30970–L, 31740–L, 34302–L, 34304–L, 34305–L.)

INFORMATION FILED: October 10, 1952, Western District of Missouri, against the Jay L. Wilder Drug Co., a corporation, Joplin, Mo., and against Jay L. Wilder, president, William F. Fanning, vice president, and Elmer Modlin, an employee of the corporation.

ALLEGED VIOLATION: On or about November 1 and 2, 1951, while a number of *dextro-amphetamine sulfate tablets, conjugated estrogen tablets, phenobarbital tablets, tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide,* and *tablets containing a mixture of sulfadiazine and bicarbonate of soda* were being held for sale at the Jay L. Wilder Drug Co., after shipment in interstate commerce, various quantities of the drugs were caused to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

The corporation was charged with causing the acts of repacking and dispensing of the drugs in each of the five counts of the information; Jay L. Wilder was charged with causing such acts of repacking and dispensing with respect to the *tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide;* William F. Fanning was similarly charged with respect to the *conjugated estrogen tablets* and the *phenobarbital tablets;* and Elmer Modlin was likewise charged with respect to the *dextro-amphetamine sulfate tablets* and the *tablets containing a mixture of sulfadiazine and bicarbonate of soda.*

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *dextro-amphetamine sulfate tablets, tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide,* and *tablets containing a mixture of sulfadiazine and bicarbonate of soda* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *conjugated estrogen tablets* failed to bear a label containing the common or usual name of the tablets; Section 502 (e) (2), the repackaged *dextro-amphetamine sulfate tablets* and *tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide* failed to bear labels containing the common or usual name of

each active ingredient of the tablets; and, Section 502 (f) (2), the labeling of the repackaged *tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfacetamide* and *tablets containing a mixture of sulfadiazine and bicarbonate of soda* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: May 27, 1953. Pleas of nolo contendere having been entered, the court fined the corporation $500, Defendant Wilder $50, Defendant Fanning $100, and Defendant Modlin $100, plus costs.

4066. Misbranding of dextro-amphetamine sulfate tablets, thyroid tablets, methyltestosterone tablets, capsules containing a mixture of Seconal Sodium and Amytal Sodium, tablets containing a mixture of penicillin G potassium, sulfadiazine, sulfamerazine, and sulfamethazine, and tablets containing a mixture of mannitol hexanitrate and phenobarbital. U. S. v. Wayne A. Hughes (Hughes Drug Store). Plea of nolo contendere. Fine, $300. (F. D. C. No. 33743. Sample Nos. 31029–L, 31030–L, 34178–L, 34383–L to 34385–L, incl.)

INFORMATION FILED: January 19, 1953, Western District of Missouri, against Wayne A. Hughes, trading as the Hughes Drug Store, Aurora, Mo.

ALLEGED SHIPMENT: On or about March 20 and 21, 1952, while a number of the above-mentioned drugs were being held for sale at the Hughes Drug Store, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *capsules containing a mixture of Seconal Sodium and Amytal Sodium* and the repackaged *tablets containing a mixture of penicillin G potassium, sulfadiazine, sulfamerazine, and sulfamethazine* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *capsules containing a mixture of Seconal Sodium and Amytal Sodium* and the repackaged *tablets containing a mixture of mannitol hexanitrate and phenobarbital* contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the labels of such repackaged drugs failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the repackaged *capsules containing a mixture of Seconal Sodium and Amytal Sodium*, the repackaged *tablets containing a mixture of penicillin G potassium, sulfadiazine, sulfamerazine, and sulfamethazine*, and the repackaged *tablets containing a mixture of mannitol hexanitrate and phenobarbital* were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of each active ingredient of such drugs; and, Section 502 (f) (2), the repackaged *tablets containing a mixture of penicillin G potassium, sulfadiazine, sulfamerazine,*